



General Assembly

January Session, 2007

***Raised Bill No. 1348***

LCO No. 4042

\*04042\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT STRENGTHENING DRUNK DRIVING ENFORCEMENT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 14-227a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) No person shall operate a motor vehicle while under the  
4 influence of intoxicating liquor or any drug or both. A person commits  
5 the offense of operating a motor vehicle while under the influence of  
6 intoxicating liquor or any drug or both if such person operates a motor  
7 vehicle (1) while under the influence of intoxicating liquor or any drug  
8 or both, or (2) while such person has an elevated blood alcohol content.  
9 For the purposes of this section, "elevated blood alcohol content"  
10 means (A) a ratio of alcohol in the blood of such person that is eight-  
11 hundredths of one per cent or more of alcohol, by weight, (B) if such  
12 person is operating a commercial motor vehicle, a ratio of alcohol in  
13 the blood of such person that is four-hundredths of one per cent or  
14 more of alcohol, by weight, or (C) if such person is under twenty-one  
15 years of age, a ratio of alcohol in the blood of such person that is two-  
16 hundredths of one per cent or more of alcohol, by weight, and "motor  
17 vehicle" includes a snowmobile and all-terrain vehicle, as those terms

18 are defined in section 14-379.

19 (b) [Except as provided in subsection (c) of this section, in] In any  
 20 criminal prosecution for violation of subsection (a) of this section,  
 21 evidence respecting the amount of alcohol or drug in the defendant's  
 22 blood or urine at the time of the alleged offense, as shown by a  
 23 chemical analysis of the defendant's breath, blood or urine shall be  
 24 admissible and competent provided: (1) The defendant [was afforded a  
 25 reasonable opportunity to telephone an attorney prior to the  
 26 performance of the test and consented to the taking of] did not refuse  
 27 to take the test upon which such analysis is made; (2) a true copy of the  
 28 report of the test result was mailed to or personally delivered to the  
 29 defendant [within twenty-four hours or by the end of the next regular  
 30 business day,] not later than three business days after such result was  
 31 known; [, whichever is later;] (3) the test was performed by or at the  
 32 direction of a police officer according to methods and with equipment  
 33 approved by the Department of Public Safety and was performed in  
 34 accordance with the regulations adopted under subsection (d) of this  
 35 section; (4) the device used for such test was checked for accuracy in  
 36 accordance with the regulations adopted under subsection (d) of this  
 37 section; (5) an additional chemical test of the same type was performed  
 38 at least [thirty] ten minutes after the initial test was performed or, if  
 39 requested by the police officer for reasonable cause, an additional  
 40 chemical test of a different type was performed to detect the presence  
 41 of a drug or drugs other than or in addition to alcohol, provided the  
 42 results of the initial test shall not be inadmissible under this subsection  
 43 if reasonable efforts were made to have such additional test performed  
 44 in accordance with the conditions set forth in this subsection and such  
 45 additional test was not performed or was not performed within a  
 46 reasonable time, or the results of such additional test are not  
 47 admissible for failure to meet a condition set forth in this subsection;  
 48 and (6) evidence is presented that the test was commenced within two  
 49 hours of operation. In any prosecution under this section it shall be a  
 50 rebuttable presumption that the results of such chemical analysis  
 51 establish the ratio of alcohol in the blood of the defendant at the time

52 of the alleged offense. [, except that if the results of the additional test  
53 indicate that the ratio of alcohol in the blood of such defendant is  
54 twelve-hundredths of one per cent or less of alcohol, by weight, and is  
55 higher than the results of the first test, evidence shall be presented that  
56 demonstrates that the test results and the analysis thereof accurately  
57 indicate the blood alcohol content at the time of the alleged offense.] In  
58 any prosecution under this section, the court may admit the results of  
59 the chemical analysis of the defendant's blood, breath or urine,  
60 notwithstanding any failure or alleged failure to comply strictly with  
61 the conditions set forth in subdivisions (3) to (6), inclusive, of this  
62 subsection, for good cause shown including evidence that such failure  
63 or alleged failure does not materially affect the validity of such results.

64 [(c) In any prosecution for a violation of subdivision (1) of  
65 subsection (a) of this section, reliable evidence respecting the amount  
66 of alcohol in the defendant's blood or urine at the time of the alleged  
67 offense, as shown by a chemical analysis of the defendant's blood,  
68 breath or urine, otherwise admissible under subsection (b) of this  
69 section, shall be admissible only at the request of the defendant.]

70 [(d)] (c) The Commissioner of Public Safety shall ascertain the  
71 reliability of each method and type of device offered for chemical  
72 testing and analysis purposes of blood, of breath and of urine and  
73 certify those methods and types which said commissioner finds  
74 suitable for use in testing and analysis of blood, breath and urine,  
75 respectively, in this state.

76 (d) The Commissioner of Public Safety shall adopt regulations, in  
77 accordance with chapter 54, governing the conduct of chemical tests,  
78 the operation and use of chemical test devices, the training and  
79 certification of operators of such devices and the drawing or obtaining  
80 of blood, breath or urine samples as said commissioner finds necessary  
81 to protect the health and safety of persons who submit to chemical  
82 tests and to insure reasonable accuracy in testing results. Such  
83 regulations shall not require recertification of a police officer solely

84 because such officer terminates such officer's employment with the law  
85 enforcement agency for which certification was originally issued and  
86 commences employment with another such agency.

87 (e) In any criminal prosecution for a violation of subsection (a) of  
88 this section, evidence that the defendant refused to submit to a blood,  
89 breath or urine test requested in accordance with section 14-227b shall  
90 be admissible provided the requirements of subsection (b) of said  
91 section have been satisfied. If a case involving a violation of subsection  
92 (a) of this section is tried to a jury, the court shall instruct the jury as to  
93 any inference that may or may not be drawn from the defendant's  
94 refusal to submit to a blood, breath or urine test.

95 (f) If a person is charged with a violation of the provisions of  
96 subsection (a) of this section, the charge may not be reduced, nolle or  
97 dismissed unless the prosecuting authority states in open court such  
98 prosecutor's reasons for the reduction, nolle or dismissal.

99 (g) Any person who violates any provision of subsection (a) of this  
100 section shall: (1) For conviction of a first violation, (A) be fined not less  
101 than ~~[five hundred]~~ one thousand dollars or more than ~~[one]~~ two  
102 thousand five hundred dollars, and (B) be (i) imprisoned not more  
103 than six months, forty-eight consecutive hours of which may not be  
104 suspended or reduced in any manner, or (ii) imprisoned not more than  
105 ~~[six]~~ nine months, with the execution of such sentence of imprisonment  
106 suspended entirely and a period of probation imposed requiring as a  
107 condition of such probation that such person perform one hundred  
108 hours of community service, as defined in section 14-227e, and (C)  
109 have such person's motor vehicle operator's license or nonresident  
110 operating privilege suspended for one year; (2) for conviction of a  
111 second violation, ~~[within ten years after a prior conviction for the same~~  
112 ~~offense,]~~ (A) be fined not less than ~~[one]~~ two thousand dollars or more  
113 than ~~[four]~~ five thousand dollars, (B) be imprisoned not more than  
114 ~~[two]~~ three years, one hundred ~~[twenty]~~ eighty consecutive days of  
115 which may not be suspended or reduced in any manner, and

116 sentenced to a period of probation requiring as a condition of such  
 117 probation that such person perform [~~one~~] two hundred hours of  
 118 community service, as defined in section 14-227e, and (C) (i) have such  
 119 person's motor vehicle operator's license or nonresident operating  
 120 privilege suspended for three years or until the date of such person's  
 121 twenty-first birthday, whichever is longer, or (ii) [if such person has  
 122 been convicted of a violation of subdivision (1) of subsection (a) of this  
 123 section on account of being under the influence of intoxicating liquor  
 124 or of subdivision (2) of subsection (a) of this section,] have such  
 125 person's motor vehicle operator's license or nonresident operating  
 126 privilege suspended for one year and be prohibited for the two-year  
 127 period following completion of such period of suspension from  
 128 operating a motor vehicle unless such motor vehicle is equipped with  
 129 a functioning, approved ignition interlock device, as defined in section  
 130 14-227j; and (3) for conviction of a third and subsequent violation,  
 131 [within ten years after a prior conviction for the same offense,] (A) be  
 132 fined not less than [~~two~~] five thousand dollars or more than [~~eight~~] ten  
 133 thousand dollars, (B) be imprisoned not more than [~~three~~] five years,  
 134 [~~one year~~] two years of which may not be suspended or reduced in any  
 135 manner, and sentenced to a period of probation requiring as a  
 136 condition of such probation that such person perform [~~one~~] three  
 137 hundred hours of community service, as defined in section 14-227e,  
 138 [and] (C) have such person's motor vehicle operator's license or  
 139 nonresident operating privilege permanently revoked upon such third  
 140 offense, and (D) forfeit to the state the motor vehicle such person was  
 141 operating at the time of the offense provided such person held legal  
 142 title to such motor vehicle at such time. For purposes of the imposition  
 143 of penalties for a second or third and subsequent offense pursuant to  
 144 this subsection, a conviction under the provisions of subsection (a) of  
 145 this section in effect on October 1, 1981, or as amended thereafter, a  
 146 conviction under the provisions of either subdivision (1) or (2) of  
 147 subsection (a) of this section, a conviction under the provisions of  
 148 section 53a-56b or 53a-60d or a conviction in any other state of any  
 149 offense the essential elements of which are determined by the court to

150 be substantially the same as subdivision (1) or (2) of subsection (a) of  
151 this section or section 53a-56b or 53a-60d, shall constitute a prior  
152 conviction for the same offense. The state shall sell any motor vehicle  
153 forfeited to the state pursuant to subparagraph (D) of subdivision (3)  
154 of this subsection at public auction and deposit the proceeds from such  
155 sale in the Criminal Injuries Compensation Fund established pursuant  
156 to section 54-215.

157 (h) (1) Each court shall report each conviction under subsection (a)  
158 of this section to the Commissioner of Motor Vehicles, in accordance  
159 with the provisions of section 14-141. The commissioner shall  
160 immediately suspend the motor vehicle operator's license or  
161 nonresident operating privilege of the person reported as convicted for  
162 the period of time required by subsection (g) of this section or in  
163 accordance with the sentence imposed by the court for such conviction,  
164 whichever is longer. The commissioner shall determine the period of  
165 time required by said subsection (g) based on the number of  
166 convictions such person has had within the specified time period  
167 according to such person's driving history record. [, notwithstanding  
168 the sentence imposed by the court for such conviction.] (2) The motor  
169 vehicle operator's license or nonresident operating privilege of a  
170 person found guilty under subsection (a) of this section who is under  
171 eighteen years of age shall be suspended by the commissioner for the  
172 period of time set forth in subsection (g) of this section, or until such  
173 person attains the age of eighteen years, whichever period is longer. (3)  
174 The motor vehicle operator's license or nonresident operating privilege  
175 of a person found guilty under subsection (a) of this section who, at the  
176 time of the offense, was operating a motor vehicle in accordance with a  
177 special operator's permit issued pursuant to section 14-37a shall be  
178 suspended by the commissioner for twice the period of time set forth  
179 in subsection (g) of this section. [(4) If an appeal of any conviction  
180 under subsection (a) of this section is taken, the suspension of the  
181 motor vehicle operator's license or nonresident operating privilege by  
182 the commissioner, in accordance with this subsection, shall be stayed  
183 during the pendency of such appeal.]

184 (i) (1) The Commissioner of Motor Vehicles shall permit a person  
185 whose license has been suspended in accordance with the provisions  
186 of subparagraph (C)(ii) of subdivision (2) of subsection (g) of this  
187 section to operate a motor vehicle if (A) such person has [served]  
188 completed not less than one year of such suspension, [and] (B) such  
189 person has installed an approved ignition interlock device in each  
190 motor vehicle owned or to be operated by such person, and (C) such  
191 person has agreed to operate such motor vehicle only by personally  
192 using the installed approved ignition interlock device. No person  
193 whose license is suspended by the commissioner for any other reason  
194 shall be eligible to operate a motor vehicle equipped with an approved  
195 ignition interlock device. (2) All costs of installing and maintaining an  
196 ignition interlock device shall be borne by the person required to  
197 install such device. (3) The commissioner shall adopt regulations, in  
198 accordance with the provisions of chapter 54, to implement the  
199 provisions of this subsection. The regulations shall establish  
200 procedures for the approval of ignition interlock devices, for the  
201 proper calibration and maintenance of such devices and for the  
202 installation of such devices by any firm approved and authorized by  
203 the commissioner. (4) The provisions of this subsection shall not be  
204 construed to authorize the continued operation of a motor vehicle  
205 equipped with an ignition interlock device by any person whose  
206 operator's license or nonresident operating privilege is withdrawn,  
207 suspended or revoked for any other reason. (5) The provisions of this  
208 subsection shall apply to any person whose license has been  
209 suspended in accordance with the provisions of subparagraph (C)(ii)  
210 of subdivision (2) of subsection (g) of this section on or after September  
211 1, 2003.

212 (j) In addition to any fine or sentence imposed pursuant to the  
213 provisions of subsection (g) of this section, the court, for a first  
214 conviction, may order such person to participate in and complete an  
215 appropriate alcohol education and substance abuse treatment program  
216 and, for a second and subsequent conviction, shall order such person  
217 to participate in and complete an appropriate alcohol education and

218 substance abuse treatment program.

219 (k) Notwithstanding the provisions of subsection (b) of this section,  
 220 evidence respecting the amount of alcohol or drug in the blood or  
 221 urine of an operator of a motor vehicle involved in an accident who  
 222 has suffered or allegedly suffered physical injury in such accident or is  
 223 otherwise determined to require treatment or observation at a hospital,  
 224 which evidence is derived from a chemical analysis of a blood sample  
 225 taken from or a urine sample provided by such person [after such  
 226 accident] at the scene of the accident, while en route to a hospital or at  
 227 a hospital, shall be competent evidence to establish probable cause for  
 228 the arrest by warrant of such person for a violation of subsection (a) of  
 229 this section and shall be admissible and competent in any subsequent  
 230 prosecution thereof if: (1) The blood sample was taken or the urine  
 231 sample was provided for the purpose of diagnosis and treatment; [of  
 232 such injury;] (2) if a blood sample was taken, the blood sample was  
 233 taken in accordance with the regulations adopted under subsection (d)  
 234 of this section; (3) a police officer has demonstrated to the satisfaction  
 235 of a judge of the Superior Court that such officer has reason to believe  
 236 that such person was operating a motor vehicle while under the  
 237 influence of intoxicating liquor or drug<sub>z</sub> or both<sub>z</sub> and that the chemical  
 238 analysis of such blood or urine sample constitutes evidence of the  
 239 commission of the offense of operating a motor vehicle while under  
 240 the influence of intoxicating liquor or drug<sub>z</sub> or both<sub>z</sub> in violation of  
 241 subsection (a) of this section; and (4) such judge has issued a search  
 242 warrant in accordance with section 54-33a authorizing the seizure of  
 243 the chemical analysis of such blood or urine sample. Such search  
 244 warrant may also authorize the seizure of the medical records  
 245 prepared by the hospital in connection with [the] such diagnosis or  
 246 treatment. [of such injury.]

247 (l) If the court sentences a person convicted of a violation of  
 248 subsection (a) of this section to a period of probation, the court may  
 249 require as a condition of such probation that such person participate in  
 250 a victim impact panel program approved by the Court Support



251 Services Division of the Judicial Department. Such victim impact panel  
 252 program shall provide a nonconfrontational forum for the victims of  
 253 alcohol-related or drug-related offenses and offenders to share  
 254 experiences on the impact of alcohol-related or drug-related incidents  
 255 in their lives. Such victim impact panel program shall be conducted by  
 256 a nonprofit organization that advocates on behalf of victims of  
 257 accidents caused by persons who operated a motor vehicle while  
 258 under the influence of intoxicating liquor or any drug, or both. Such  
 259 organization may assess a participation fee of not more than [twenty-  
 260 five] one hundred dollars on any person required by the court to  
 261 participate in such program.

262 Sec. 2. Section 14-227b of the general statutes is repealed and the  
 263 following is substituted in lieu thereof (*Effective October 1, 2007*):

264 (a) Any person who operates a motor vehicle in this state shall be  
 265 deemed to have given such person's consent to a chemical analysis of  
 266 such person's blood, breath or urine and, if such person is a minor,  
 267 such person's parent or parents or guardian shall also be deemed to  
 268 have given their consent.

269 (b) If any such person, having been placed under arrest for  
 270 operating a motor vehicle while under the influence of intoxicating  
 271 liquor or any drug or both, [and thereafter, after being] having been  
 272 apprised of such person's constitutional rights incident to a lawful  
 273 arrest, having thereafter been requested to submit to a blood, breath or  
 274 urine test at the option of the police officer, [having been afforded a  
 275 reasonable opportunity to telephone an attorney prior to the  
 276 performance of such test] and having been informed that such person's  
 277 license or nonresident operating privilege may be suspended in  
 278 accordance with the provisions of this section if such person refuses to  
 279 submit to such test or if such person submits to such test and the  
 280 results of such test indicate that such person has an elevated blood  
 281 alcohol content, and that evidence of any such refusal shall be  
 282 admissible in accordance with subsection (e) of section 14-227a and

283 may be used against such person in any criminal prosecution, refuses  
284 to submit to the designated test, the test shall not be given; provided, if  
285 the person refuses or is unable to submit to a blood test, the police  
286 officer shall designate the breath or urine test as the test to be taken.  
287 The police officer shall make a notation upon the records of the police  
288 department that such officer informed the person that such person's  
289 license or nonresident operating privilege may be suspended if such  
290 person refused to submit to such test or if such person submitted to  
291 such test and the results of such test indicated that such person had an  
292 elevated blood alcohol content.

293 (c) If the person arrested refuses to submit to such test or analysis or  
294 submits to such test or analysis, commenced within two hours of the  
295 time of operation, and the results of such test or analysis indicate that  
296 such person has an elevated blood alcohol content, the police officer,  
297 acting on behalf of the Commissioner of Motor Vehicles, shall  
298 immediately revoke and take possession of the motor vehicle  
299 operator's license or, if such person is a nonresident, suspend the  
300 nonresident operating privilege of such person, for a  
301 [twenty-four-hour] forty-eight-hour period. The police officer shall  
302 prepare a [written] report of the incident and shall mail or otherwise  
303 transmit in accordance with this subsection the report and a copy of  
304 the results of any chemical test or analysis to the Department of Motor  
305 Vehicles within [three] five business days. The report shall [be made  
306 on a form approved] provide such information as prescribed by the  
307 Commissioner of Motor Vehicles and shall be subscribed and sworn to  
308 under penalty of false statement as provided in section 53a-157b by the  
309 arresting officer. If the person arrested refused to submit to such test or  
310 analysis, the report shall be endorsed by a third person who witnessed  
311 such refusal. The report shall set forth the grounds for the officer's  
312 belief that there was probable cause to arrest such person for operating  
313 a motor vehicle while under the influence of intoxicating liquor or any  
314 drug or both and shall state that such person had refused to submit to  
315 such test or analysis when requested by such police officer to do so or  
316 that such person submitted to such test or analysis, commenced within

317 two hours of the time of operation, and the results of such test or  
318 analysis indicated that such person had an elevated blood alcohol  
319 content. The Commissioner of Motor Vehicles shall, not later than ten  
320 business days after receipt of such report, notify the police officer  
321 submitting the report of any error in form or required documentation.  
322 The Commissioner of Motor Vehicles may accept a police report under  
323 this subsection that is prepared and transmitted as an electronic  
324 record, including electronic signature or signatures, subject to such  
325 security procedures as the commissioner may specify and in  
326 accordance with the provisions of section 1-267.

327 (d) If the person arrested submits to a blood or urine test at the  
328 request of the police officer, and the specimen requires laboratory  
329 analysis in order to obtain the test results, the police officer shall not  
330 take possession of the motor vehicle operator's license of such person  
331 or, except as provided in this subsection, follow the procedures  
332 subsequent to taking possession of the operator's license as set forth in  
333 subsection (c) of this section. If the test results indicate that such  
334 person has an elevated blood alcohol content, the police officer,  
335 immediately upon receipt of the test results, shall notify the  
336 Commissioner of Motor Vehicles and submit to the commissioner the  
337 [written] report required pursuant to subsection (c) of this section.

338 (e) (1) Except as provided in subdivision (2) of this subsection, upon  
339 receipt of such report, the Commissioner of Motor Vehicles may  
340 suspend any operator's license or nonresident operating privilege of  
341 such person effective as of a date certain, which date shall be not later  
342 than thirty days after the date such person received notice of such  
343 person's arrest by the police officer. Any person whose operator's  
344 license or nonresident operating privilege has been suspended in  
345 accordance with this subdivision shall automatically be entitled to a  
346 hearing before the commissioner to be held in accordance with the  
347 provisions of chapter 54 and prior to the effective date of the  
348 suspension. The commissioner shall send a suspension notice to such  
349 person informing such person that such person's operator's license or

350 nonresident operating privilege is suspended as of a date certain and  
351 that such person is entitled to a hearing prior to the effective date of  
352 the suspension and may schedule such hearing by contacting the  
353 Department of Motor Vehicles not later than [seven] five days after the  
354 date of mailing of such suspension notice.

355 (2) If the person arrested (A) is involved in an accident resulting in a  
356 fatality, or (B) has previously had such person's operator's license or  
357 nonresident operating privilege suspended under the provisions of  
358 section 14-227a, [during the ten-year period preceding the present  
359 arrest,] upon receipt of such report, the Commissioner of Motor  
360 Vehicles may suspend any operator's license or nonresident operating  
361 privilege of such person effective as of the date specified in a notice of  
362 such suspension to such person. Any person whose operator's license  
363 or nonresident operating privilege has been suspended in accordance  
364 with this subdivision shall automatically be entitled to a hearing before  
365 the commissioner to be held in accordance with the provisions of  
366 chapter 54. The commissioner shall send a suspension notice to such  
367 person informing such person that such person's operator's license or  
368 nonresident operating privilege is suspended as of the date specified in  
369 such suspension notice, and that such person is entitled to a hearing  
370 and may schedule such hearing by contacting the Department of  
371 Motor Vehicles not later than [seven] five days after the date of mailing  
372 of such suspension notice. Any suspension issued under this  
373 subdivision shall remain in effect until such suspension is affirmed or  
374 such operator's license or nonresident operating privilege is reinstated  
375 in accordance with subsections (f) and (h) of this section.

376 (f) If such person does not contact the department to schedule a  
377 hearing, the commissioner shall affirm the suspension contained in the  
378 suspension notice for the appropriate period specified in subsection (i)  
379 or (j) of this section.

380 (g) If such person contacts the department to schedule a hearing, the  
381 department shall assign a date, time and place for the hearing, which

382 date shall be prior to the effective date of the suspension, except that,  
 383 with respect to a person whose operator's license or nonresident  
 384 operating privilege is suspended in accordance with subdivision (2) of  
 385 subsection (e) of this section, such hearing shall be scheduled not later  
 386 than thirty days after such person contacts the department. [At the  
 387 request of such person or the hearing officer and upon] The hearing  
 388 shall be conducted by a hearing officer on behalf of the commissioner.  
 389 Upon a showing of good cause, the [commissioner] hearing officer  
 390 may grant one continuance for a period not to exceed [fifteen] ten  
 391 days. The hearing shall be based on documentary evidence submitted  
 392 by the arresting officer and shall be limited to a determination of the  
 393 following issues: (1) [Did the police officer have probable cause to  
 394 arrest the person] Was such person placed under arrest for operating a  
 395 motor vehicle while under the influence of intoxicating liquor or any  
 396 drug, or both; (2) [was such person placed under arrest; (3)] did such  
 397 person refuse to submit to such test or analysis or did such person  
 398 submit to such test or analysis, commenced within two hours of the  
 399 time of operation, and the results of such test or analysis indicated that  
 400 such person had an elevated blood alcohol content; and [(4)] (3) was  
 401 such person operating the motor vehicle. In the hearing, the results of  
 402 the test or analysis shall be sufficient and conclusive to indicate the  
 403 ratio of alcohol in the blood of such person at the time of operation,  
 404 [except that if the results of the additional test indicate that the ratio of  
 405 alcohol in the blood of such person is twelve-hundredths of one per  
 406 cent or less of alcohol, by weight, and is higher than the results of the  
 407 first test, evidence shall be presented that demonstrates that the test  
 408 results and analysis thereof accurately indicate the blood alcohol  
 409 content at the time of operation] provided the arresting officer presents  
 410 evidence that the test or analysis was commenced within two hours of  
 411 the time of operation. The fees of any witness summoned to appear at  
 412 the hearing shall be [the same as provided by the general statutes for  
 413 witnesses in criminal cases] paid by the party requesting that the  
 414 witness be summoned. The person whose operator's license or  
 415 nonresident operating privilege has been suspended shall have the

416 burden of showing why such license or operating privilege should be  
417 reinstated. The hearing officer shall strictly limit the scope of the  
418 hearing in conformance with the provisions of this subsection and  
419 chapter 54.

420 (h) If, after such hearing, the commissioner finds on any one of the  
421 said issues in the negative, the commissioner shall reinstate such  
422 license or operating privilege. If, after such hearing, the commissioner  
423 does not find on any one of the said issues in the negative or if such  
424 person fails to appear at such hearing, the commissioner shall affirm  
425 the suspension contained in the suspension notice for the appropriate  
426 period specified in subsection (i) or (j) of this section. The  
427 commissioner shall render a decision at the conclusion of such hearing  
428 or send a notice of the decision by bulk certified mail to such person  
429 not later than thirty days [or, if a continuance is granted, not later than  
430 forty-five days] from the date such person received notice of such  
431 person's arrest by the police officer. The notice of such decision sent by  
432 certified mail to the address of such person as shown by the records of  
433 the commissioner shall be sufficient notice to such person that such  
434 person's operator's license or nonresident operating privilege is  
435 reinstated or suspended, as the case may be. Unless a continuance of  
436 the hearing is granted pursuant to subsection (g) of this section, if the  
437 commissioner fails to render a decision within thirty days from the  
438 date such person received notice of such person's arrest by the police  
439 officer, the commissioner shall reinstate such person's operator's  
440 license or nonresident operating privilege, provided notwithstanding  
441 such reinstatement the commissioner may render a decision not later  
442 than [two] seven business days thereafter suspending such operator's  
443 license or nonresident operating privilege.

444 (i) (1) Except as provided in subsection (j) of this section, the  
445 commissioner shall suspend the operator's license or nonresident  
446 operating privilege of a person who did not contact the department to  
447 schedule a hearing, who failed to appear at a hearing or against whom,  
448 after a hearing, the commissioner held pursuant to subsection (h) of

449 this section, as of the effective date contained in the suspension notice,  
 450 [or the date the commissioner renders a decision, whichever is later,]  
 451 for a period of: [(1)] (A) (i) Except as provided in [subparagraph (B)]  
 452 clause (ii) of this [subdivision, ninety] subparagraph, one hundred  
 453 twenty days, if such person submitted to a test or analysis and the  
 454 results of such test or analysis indicated that such person had an  
 455 elevated blood alcohol content, [(B)] (ii) one hundred [twenty] eighty  
 456 days, if such person submitted to a test or analysis and the results of  
 457 such test or analysis indicated that the ratio of alcohol in the blood of  
 458 such person was sixteen-hundredths of one per cent or more of  
 459 alcohol, by weight, or [(C) six months] (iii) two hundred forty days if  
 460 such person refused to submit to such test or analysis, [(2)] (B) if such  
 461 person has previously had such person's operator's license or  
 462 nonresident operating privilege suspended under this section, [(A)] (i)  
 463 except as provided in [subparagraph (B)] clause (ii) of this  
 464 [subdivision, nine months] subparagraph, one year if such person  
 465 submitted to a test or analysis and the results of such test or analysis  
 466 indicated that such person had an elevated blood alcohol content, [(B)  
 467 ten] (ii) sixteen months if such person submitted to a test or analysis  
 468 and the results of such test or analysis indicated that the ratio of  
 469 alcohol in the blood of such person was sixteen-hundredths of one per  
 470 cent or more of alcohol, by weight, [and (C) one year] or (iii) two years  
 471 if such person refused to submit to such test or analysis, and [(3)] (C) if  
 472 such person has two or more times previously had such person's  
 473 operator's license or nonresident operating privilege suspended under  
 474 this section, [(A)] (i) except as provided in [subparagraph (B)] clause  
 475 (ii) of this [subdivision] subparagraph, two and one-half years if such  
 476 person submitted to a test or analysis and the results of such test or  
 477 analysis indicated that such person had an elevated blood alcohol  
 478 content, [(B) two and one-half] (ii) three years if such person submitted  
 479 to a test or analysis and the results of such test or analysis indicated  
 480 that the ratio of alcohol in the blood of such person was sixteen-  
 481 hundredths of one per cent or more of alcohol, by weight, [and (C)] or  
 482 (iii) three and one-half years if such person refused to submit to such

483 test or analysis.

484 (2) If such person has two or more times previously had such  
485 person's operator's license or nonresident operating privilege  
486 suspended under this section, the commissioner, in addition to the  
487 period of suspension imposed under subdivision (1) of this subsection,  
488 (A) may order forfeiture to the state of the motor vehicle such person  
489 was operating at the time of the arrest if such person submitted to a  
490 test or analysis and the results of such test or analysis indicated that  
491 such person had an elevated blood alcohol content, provided such  
492 person held legal title to such motor vehicle at such time, (B) shall  
493 order forfeiture to the state of the motor vehicle such person was  
494 operating at the time of the arrest if such person submitted to a test or  
495 analysis and the results of such test or analysis indicated that the ratio  
496 of alcohol in the blood of such person was sixteen-hundredths of one  
497 per cent or more of alcohol, by weight, provided such person held  
498 legal title to such motor vehicle at such time, and (C) shall order  
499 forfeiture to the state of the motor vehicle such person was operating  
500 at the time of the arrest if such person refused to submit to such test or  
501 analysis, provided such person was in lawful possession of such motor  
502 vehicle at such time. The state shall sell any motor vehicle forfeited  
503 under this subdivision at public auction and deposit the proceeds of  
504 such sale in the Criminal Injuries Compensation Fund established  
505 pursuant to section 54-215.

506 (j) The commissioner shall suspend the operator's license or  
507 nonresident operating privilege of a person under twenty-one years of  
508 age who did not contact the department to schedule a hearing, who  
509 failed to appear at a hearing or against whom, after a hearing, the  
510 commissioner held pursuant to subsection (h) of this section, as of the  
511 effective date contained in the suspension notice or the date the  
512 commissioner renders a decision, whichever is later, for twice the  
513 appropriate period of time specified in subsection (i) of this section.

514 (k) Notwithstanding the provisions of subsections (b) to (j),



515 inclusive, of this section, any police officer who obtains the results of a  
516 chemical analysis of a blood sample taken from an operator of a motor  
517 vehicle involved in an accident who suffered or allegedly suffered  
518 physical injury in such accident or is otherwise determined to require  
519 treatment or observation at a hospital shall notify the Commissioner of  
520 Motor Vehicles and submit to the commissioner a written report if  
521 such results indicate that such person had an elevated blood alcohol  
522 content, and if such person was arrested for violation of section  
523 14-227a in connection with such accident. The report shall be made on  
524 a form approved by the commissioner containing such information as  
525 the commissioner prescribes, and shall be subscribed and sworn to  
526 under penalty of false statement, as provided in section 53a-157b, by  
527 the police officer. The commissioner may, after notice and an  
528 opportunity for hearing, which shall be conducted by a hearing officer  
529 on behalf of the commissioner in accordance with chapter 54, suspend  
530 the motor vehicle operator's license or nonresident operating privilege  
531 of such person for [a period of up to ninety days, or, if such person has  
532 previously had such person's operator's license or nonresident  
533 operating privilege suspended under this section for a period of up to  
534 one year] the appropriate period specified in subsection (i) of this  
535 section. Each hearing conducted under this subsection shall be based  
536 on the documentary evidence submitted by the arresting officer and  
537 shall be limited to a determination of the following issues: (1) [Whether  
538 the police officer had probable cause to arrest the person for operating  
539 a motor vehicle while under the influence of intoxicating liquor or  
540 drug or both; (2) whether] Was such person [was] placed under arrest  
541 [; (3) whether such person was] for a violation of section 14-227a; (2)  
542 was such person operating the motor vehicle; [(4) whether] (3) did the  
543 results of the analysis of the blood of such person indicate that such  
544 person had an elevated blood alcohol content; and [(5) whether] (4)  
545 was the blood sample [was] obtained in accordance with [conditions  
546 for admissibility and competence as evidence as set forth in]  
547 subsection (j) of section 14-227a. If, after such hearing, the  
548 commissioner finds on any one of the said issues in the negative, the

549 commissioner shall not impose a suspension. The fees of any witness  
 550 summoned to appear at the hearing shall be [the same as provided by  
 551 the general statutes for witnesses in criminal cases, as provided in  
 552 section 52-260] paid by the party requesting that the witness be  
 553 summoned. The hearing officer shall strictly limit the scope of the  
 554 hearing in conformance with the provisions of this subsection and  
 555 chapter 54.

556 (l) The provisions of this section shall apply with the same effect to  
 557 the refusal by any person to submit to an additional chemical test as  
 558 provided in subdivision (5) of subsection (b) of section 14-227a.

559 (m) The provisions of this section shall not apply to any person  
 560 whose physical condition is such that, according to competent medical  
 561 advice, such test would be inadvisable.

562 (n) The state shall pay the reasonable charges of any physician who,  
 563 at the request of a municipal police department, takes a blood sample  
 564 for purposes of a test under the provisions of this section.

565 (o) For the purposes of this section, "elevated blood alcohol content"  
 566 means (1) a ratio of alcohol in the blood of such person that is eight-  
 567 hundredths of one per cent or more of alcohol, by weight, (2) if such  
 568 person is operating a commercial motor vehicle, a ratio of alcohol in  
 569 the blood of such person that is four-hundredths of one per cent or  
 570 more of alcohol, by weight, or [(2)] (3) if such person is under twenty-  
 571 one years of age, a ratio of alcohol in the blood of such person that is  
 572 two-hundredths of one per cent or more of alcohol, by weight.

573 (p) The Commissioner of Motor Vehicles shall adopt regulations, in  
 574 accordance with chapter 54, to implement the provisions of this  
 575 section.

576 Sec. 3. Section 14-227f of the general statutes is repealed and the  
 577 following is substituted in lieu thereof (*Effective October 1, 2007*):

578 (a) Any person whose motor vehicle operator's license or

579 nonresident operating privilege is suspended under subsection (g) of  
580 section 14-227a for a conviction of a violation of subsection (a) of said  
581 section or under section 14-227b for a second or subsequent time shall  
582 participate in a treatment program which includes an assessment of  
583 the degree of alcohol abuse and treatment, as appropriate, approved  
584 by the Commissioner of Motor Vehicles. The commissioner shall not  
585 reinstate the operator's license or nonresident operating privilege of  
586 any such person until such person submits evidence to the  
587 commissioner that such person has satisfactorily completed the  
588 treatment program. Any person whose certificate is suspended or  
589 revoked pursuant to section 15-133, 15-140l or 15-140n shall participate  
590 in such treatment program.

591 (b) The treatment program shall be [designed] determined by the  
592 commissioner, in consultation with the Commissioner of Mental  
593 Health and Addiction Services and with the advice and assistance of  
594 the Motor Vehicle Operator's License Medical Advisory Board  
595 established pursuant to section 14-46b [, any state agency] or any other  
596 public or private entity engaged in the [provision of responsible  
597 services for the] treatment of alcohol and drug addiction. [as the  
598 commissioner may request.] The program shall consist of intensive  
599 treatment by a qualified mental health care professional and a phase of  
600 continuing aftercare supervision and monitoring on an individual  
601 basis. The program may be provided by one or more private  
602 organizations approved by the [commissioner] Commissioner of  
603 Motor Vehicles which meet qualifications established by [him] said  
604 commissioner in consultation with the Commissioner of Mental Health  
605 and Addiction Services, provided the entire costs of the program shall  
606 be paid from fees charged to the participants, the amounts of which  
607 shall be subject to the approval of the commissioner.

608 (c) Upon receipt of notification from the commissioner of the  
609 requirement to participate in the program, such person may, within  
610 thirty days, petition the commissioner in writing for a waiver of such  
611 requirement on the following grounds: (1) The petitioner is presently

612 undergoing a substantial treatment program for alcohol or drug  
613 addiction, or has completed such a program subsequent to his most  
614 recent arrest, either as a result of an order of the Superior Court or on a  
615 voluntary basis, and (2) the petitioner does not, in the opinion of a  
616 [licensed physician] a qualified mental health care professional based  
617 upon a personal examination, have a current addiction problem which  
618 affects his ability to operate a motor vehicle in a safe manner or pose a  
619 significant risk of having such a problem in the foreseeable future. In  
620 reviewing and determining whether to grant any such petition, the  
621 commissioner shall request and give due consideration to the advice of  
622 the Motor Vehicle Operator's License Medical Advisory Board. [Any  
623 person aggrieved by the decision of the commissioner may appeal  
624 such decision in accordance with the provisions of chapter 54.]

625 (d) The commissioner shall adopt regulations in accordance with  
626 chapter 54 to implement the provisions of this section.

627 Sec. 4. Section 14-227g of the general statutes is repealed and the  
628 following is substituted in lieu thereof (*Effective October 1, 2007*):

629 (a) No person under twenty-one years of age shall operate a motor  
630 vehicle [on a public highway of this state or on any road of a district  
631 organized under the provisions of chapter 105, a purpose of which is  
632 the construction and maintenance of roads and sidewalks, or on any  
633 private road on which a speed limit has been established in accordance  
634 with the provisions of section 14-218a, or in any parking area for ten or  
635 more cars or on any school property] while the ratio of alcohol in the  
636 blood of such person is two-hundredths of one per cent or more of  
637 alcohol, by weight.

638 (b) The fact that the operator of a motor vehicle appears to be  
639 sixteen years of age or over but under twenty-one years of age shall  
640 not constitute a reasonable and articulable suspicion that an offense  
641 has been or is being committed so as to justify an investigatory stop of  
642 such motor vehicle by a police officer.

643 (c) The provisions of subsections (b), (d), (f), (g), (h), (i), (j), and (k) of  
644 section 14-227a, adapted accordingly, shall be applicable to a violation  
645 of subsection (a) of this section.

646 Sec. 5. Section 14-227h of the general statutes is repealed and the  
647 following is substituted in lieu thereof (*Effective October 1, 2007*):

648 Any police officer who arrests a person for a violation of subsection  
649 (a) of section 14-227a during the period such person's operator's license  
650 or right to operate a motor vehicle in this state is under suspension or  
651 revocation shall cause the motor vehicle such person was operating at  
652 the time of the offense to be impounded for a period of [forty-eight]  
653 not less than seventy-two hours after such arrest. The owner of such  
654 motor vehicle may reclaim such motor vehicle after the expiration of  
655 such [forty-eight-hour] seventy-two-hour period upon payment of all  
656 towing and storage costs.

657 Sec. 6. Section 14-227j of the general statutes is repealed and the  
658 following is substituted in lieu thereof (*Effective October 1, 2007*):

659 (a) For the purposes of this section and section 14-227k: "Ignition  
660 interlock device" means a device installed in a motor vehicle that  
661 measures the blood alcohol content of the operator and disallows the  
662 mechanical operation of such motor vehicle until the blood alcohol  
663 content of such operator is less than twenty-five thousandths of one  
664 per cent.

665 (b) Any person who has been arrested for a violation of subsection  
666 (a) of section 14-227a, section 53a-56b, or section 53a-60d, may be  
667 ordered by the court not to operate any motor vehicle unless (1) such  
668 motor vehicle is equipped with an ignition interlock device, and (2)  
669 such person uses such device to operate such motor vehicle. Any such  
670 order may be made as a condition of such person's release on bail, as a  
671 condition of probation or as a condition of granting such person's  
672 application for participation in the pretrial alcohol education system  
673 under section 54-56g and may include any other terms and conditions

674 as to duration, use, proof of installation or any other matter that the  
675 court determines to be appropriate or necessary.

676 (c) All costs of installing and maintaining an ignition interlock  
677 device shall be borne by the person who is the subject of an order  
678 made pursuant to subsection (b) of this section.

679 (d) No ignition interlock device shall be installed pursuant to an  
680 order of the court under subsection (b) of this section unless such  
681 device has been approved under the regulations adopted by the  
682 Commissioner of Motor Vehicles. [pursuant to subsection (i) of section  
683 14-227a.]

684 (e) No provision of this section shall be construed to authorize the  
685 operation of a motor vehicle by any person whose motor vehicle  
686 operator's license has been refused, suspended or revoked, or who  
687 does not hold a valid motor vehicle operator's license. A court shall  
688 inform the Commissioner of Motor Vehicles of each order made by it  
689 pursuant to subsection (b) of this section. If any person who has been  
690 ordered not to operate a motor vehicle unless such motor vehicle is  
691 equipped with an ignition interlock device is the holder of a special  
692 permit to operate a motor vehicle for employment purposes, issued by  
693 the commissioner under the provisions of section 14-37a, strict  
694 compliance with the terms of the order shall be deemed a condition to  
695 hold such permit, and any failure to comply with such order shall be  
696 sufficient cause for immediate revocation of the permit by the  
697 commissioner.

698 Sec. 7. Section 14-227k of the general statutes is repealed and the  
699 following is substituted in lieu thereof (*Effective October 1, 2007*):

700 (a) No person whose right to operate a motor vehicle has been  
701 restricted pursuant to an order of the court under subsection (b) of  
702 section 14-227j or by the Commissioner of Motor Vehicles pursuant to  
703 subsection (i) of section 14-227a shall (1) request or solicit another  
704 person to blow into an ignition interlock device or to start a motor

705 vehicle equipped with an ignition interlock device for the purpose of  
706 providing such person with an operable motor vehicle, or (2) operate  
707 any motor vehicle not equipped with a functioning ignition interlock  
708 device or any motor vehicle that a court has ordered such person not to  
709 operate.

710 (b) No person shall tamper with, alter or bypass the operation of an  
711 ignition interlock device for the purpose of providing an operable  
712 motor vehicle to a person whose right to operate a motor vehicle has  
713 been restricted pursuant to an order of the court under subsection (b)  
714 of section 14-227j or by the Commissioner of Motor Vehicles pursuant  
715 to subsection (i) of section 14-227a.

716 (c) Any person who violates any provision of subsection (a) or (b) of  
717 this section shall be guilty of a class [C misdemeanor] B felony.

718 (d) Each court shall report each conviction under subsection (a) or  
719 (b) of this section to the Commissioner of Motor Vehicles, in  
720 accordance with the provisions of section 14-141. The commissioner  
721 shall suspend the motor vehicle operator's license or nonresident  
722 operating privilege of the person reported as convicted for a period of  
723 [one year] two years.

724 Sec. 8. Section 54-56g of the general statutes is repealed and the  
725 following is substituted in lieu thereof (*Effective October 1, 2007*):

726 (a) There shall be a pretrial alcohol education system for persons  
727 charged with a violation of section 14-227a, 14-227g, 15-133, 15-140l or  
728 15-140n. Upon application by any such person for participation in such  
729 system and payment to the court of an application fee of fifty dollars  
730 and a nonrefundable evaluation fee of one hundred dollars, the court  
731 shall, but only as to the public, order the court file sealed, provided  
732 such person states under oath, in open court or before any person  
733 designated by the clerk and duly authorized to administer oaths,  
734 under penalties of perjury that: (1) If such person is charged with a  
735 violation of section 14-227a, such person has not had such system

736 invoked in such person's behalf within the preceding ten years for a  
737 violation of section 14-227a, (2) if such person is charged with a  
738 violation of section 14-227g, such person has never had such system  
739 invoked in such person's behalf for a violation of section 14-227a or 14-  
740 227g, (3) such person has not been convicted of a violation of section  
741 53a-56b or 53a-60d, a violation of subsection (a) of section 14-227a,  
742 [before or after October 1, 1981,] or a violation of subdivision (1) or (2)  
743 of subsection (a) of section 14-227a on or after October 1, 1985, and (4)  
744 such person has not been convicted in any other state at any time of an  
745 offense the essential elements of which are substantially the same as  
746 section 53a-56b or 53a-60d or subdivision (1) or (2) of subsection (a) of  
747 section 14-227a. Unless good cause is shown, a person shall be  
748 ineligible for participation in such pretrial alcohol education system if  
749 such person's alleged violation of section 14-227a or 14-227g caused the  
750 serious physical injury, as defined in section 53a-3, of another person.  
751 The application fee imposed by this subsection shall be credited to the  
752 Criminal Injuries Compensation Fund established by section 54-215.

753 (b) The court, after consideration of the recommendation of the  
754 state's attorney, assistant state's attorney or deputy assistant state's  
755 attorney in charge of the case, may, in its discretion, grant such  
756 application. If the court grants such application, it shall refer such  
757 person to the Court Support Services Division for assessment and  
758 confirmation of the eligibility of the applicant and to the Department  
759 of Mental Health and Addiction Services for evaluation. The Court  
760 Support Services Division, in making its assessment and confirmation,  
761 may rely on the representations made by the applicant under oath in  
762 open court with respect to convictions in other states of offenses  
763 specified in subsection (a) of this section. Upon confirmation of  
764 eligibility and receipt of the evaluation report, the defendant shall be  
765 referred to the Department of Mental Health and Addiction Services  
766 by the Court Support Services Division for placement in an  
767 appropriate alcohol intervention program for one year, or be placed in  
768 a state-licensed substance abuse treatment program. Any person who  
769 enters the system shall agree: (1) To the tolling of the statute of



770 limitations with respect to such crime, (2) to a waiver of such person's  
771 right to a speedy trial, (3) to complete ten or fifteen counseling sessions  
772 in an alcohol intervention program or successfully complete a  
773 substance abuse treatment program of not less than twelve sessions  
774 pursuant to this section dependent upon the evaluation report and the  
775 court order, (4) upon completion of participation in the alcohol  
776 intervention program, to accept placement in a treatment program  
777 upon recommendation of a provider under contract with the  
778 Department of Mental Health and Addiction Services pursuant to  
779 subsection (d) of this section or placement in a state-licensed treatment  
780 program which meets standards established by the Department of  
781 Mental Health and Addiction Services, if the Court Support Services  
782 Division deems it appropriate, and (5) if ordered by the court, to  
783 participate in at least one victim impact panel. The suspension of the  
784 motor vehicle operator's license of any such person pursuant to section  
785 14-227b shall be effective during the period such person is  
786 participating in such program. [ provided such person shall have the  
787 option of not commencing the participation in such program until the  
788 period of such suspension is completed.] If the Court Support Services  
789 Division informs the court that the defendant is ineligible for the  
790 system and the court makes a determination of ineligibility or if the  
791 program provider certifies to the court that the defendant did not  
792 successfully complete the assigned program or is no longer amenable  
793 to treatment, the court shall order the court file to be unsealed, enter a  
794 plea of not guilty for such defendant and immediately place the case  
795 on the trial list. If such defendant satisfactorily completes the assigned  
796 program, such defendant may apply for dismissal of the charges  
797 against such defendant and the court, on reviewing the record of the  
798 defendant's participation in such program submitted by the Court  
799 Support Services Division and on finding such satisfactory completion,  
800 shall dismiss the charges. If the defendant does not apply for dismissal  
801 of the charges against such defendant after satisfactorily completing  
802 the assigned program the court, upon receipt of the record of the  
803 defendant's participation in such program submitted by the Court

804 Support Services Division, may on its own motion make a finding of  
805 such satisfactory completion and dismiss the charges. [Upon motion of  
806 the defendant and a showing of good cause, the court may extend the  
807 one-year placement period for a reasonable period for the defendant to  
808 complete the assigned program.] A record of participation in such  
809 program shall be retained by the Court Support Services Division for a  
810 period of at least seven years from the date of application. The Court  
811 Support Services Division shall transmit to the Department of Motor  
812 Vehicles a record of participation in such program for each person who  
813 satisfactorily completes such program. The Department of Motor  
814 Vehicles shall maintain for a period of at least seven years the record of  
815 a person's participation in such program as part of such person's  
816 driving record. The Court Support Services Division shall transmit to  
817 the Department of Environmental Protection the record of  
818 participation of any person who satisfactorily completes such program  
819 who has been charged with a violation of the provisions of section 15-  
820 133, 15-140l or 15-140n. The Department of Environmental Protection  
821 shall maintain for a period of at least seven years the record of a  
822 person's participation in such program as a part of such person's  
823 boater certification record.

824 (c) At the time the court grants the application for participation in  
825 the alcohol intervention program, such person shall also pay to the  
826 court a nonrefundable program fee of three hundred twenty-five  
827 dollars if such person is ordered to participate in the ten-session  
828 program and a nonrefundable program fee of five hundred dollars if  
829 such person is ordered to participate in the fifteen-session program. If  
830 the court grants participation in a treatment program, such person  
831 shall be responsible for the costs associated with participation in such  
832 program. No person may be excluded from either program for  
833 inability to pay such fee or cost, provided (1) such person files with the  
834 court an affidavit of indigency or inability to pay, (2) such indigency or  
835 inability to pay is confirmed by the Court Support Services Division,  
836 and (3) the court enters a finding thereof. If the court finds that a  
837 person is indigent or unable to pay for a treatment program, the costs

838 of such program shall be paid for from the pretrial account established  
839 under section 54-56k. If the court denies the application, such person  
840 shall not be required to pay the program fee. If the court grants the  
841 application, and such person is later determined to be ineligible for  
842 participation in such pretrial alcohol education system or fails to  
843 complete the assigned program, the program fee shall not be refunded.  
844 All such evaluation and program fees shall be credited to the pretrial  
845 account established under section 54-56k.

846 (d) The Department of Mental Health and Addiction Services shall  
847 contract with service providers, develop standards and oversee  
848 appropriate alcohol programs to meet the requirements of this section.  
849 Said department shall adopt regulations in accordance with chapter 54  
850 to establish standards for such alcohol programs. Any person ordered  
851 to participate in a treatment program shall do so at a state-licensed  
852 treatment program which meets the standards established by said  
853 department. Any defendant whose employment or residence makes it  
854 unreasonable to attend an alcohol intervention program or a treatment  
855 program in this state may attend a program in another state which has  
856 standards substantially similar to, or higher than, those of this state,  
857 subject to the approval of the court and payment of the application,  
858 evaluation and program fees, as appropriate, as provided in this  
859 section.

860 (e) The court may, as a condition of granting such application,  
861 require that such person participate in a victim impact panel program  
862 approved by the Court Support Services Division of the Judicial  
863 Department. Such victim impact panel program shall provide a  
864 nonconfrontational forum for the victims of alcohol-related or drug-  
865 related offenses and offenders to share experiences on the impact of  
866 alcohol-related or drug-related incidents in their lives. Such victim  
867 impact panel program shall be conducted by a nonprofit organization  
868 that advocates on behalf of victims of accidents caused by persons who  
869 operated a motor vehicle while under the influence of intoxicating  
870 liquor or any drug, or both. Such organization may assess a

871 participation fee of not more than [twenty-five] one hundred dollars  
872 on any person required by the court to participate in such program.

873 (f) The provisions of this section shall not be applicable in the case of  
874 any person charged with a violation of section 14-227a while operating  
875 a commercial motor vehicle, as defined in section 14-1, or who is the  
876 holder of a commercial driver's license, as defined in section 14-1.

877 Sec. 9. Section 53a-40f of the general statutes is repealed and the  
878 following is substituted in lieu thereof (*Effective October 1, 2007*):

879 (a) A persistent operating while under the influence felony offender  
880 is a person who (1) stands convicted of a violation of section 53a-56b or  
881 53a-60d, and (2) has, prior to the commission of the present crime and  
882 within the preceding ten years, been convicted of a violation of section  
883 53a-56b or 53a-60d or subsection (a) of section 14-227a or been  
884 convicted in any other state of an offense the essential elements of  
885 which are substantially the same as section 53a-56b or 53a-60d or  
886 subsection (a) of section 14-227a.

887 (b) When any person has been found to be a persistent operating  
888 while under the influence felony offender, and the court is of the  
889 opinion that his history and character and the nature and  
890 circumstances of his criminal conduct indicate that extended  
891 incarceration will best serve the public interest, the court, in lieu of  
892 imposing the sentence authorized by section 53a-35a for the crime of  
893 which such person presently stands convicted, may impose the  
894 sentence of imprisonment authorized by said section for the next more  
895 serious degree of felony and may order the forfeiture to the state of the  
896 motor vehicle being operated by such person at the time of the offense  
897 provided such person was in lawful possession of such motor vehicle  
898 at such time. The state shall sell any motor vehicle forfeited to the state  
899 pursuant to this section at public auction and deposit the proceeds  
900 from such sale in the Criminal Injuries Compensation Fund established  
901 pursuant to section 54-215.

902       Sec. 10. Section 53a-56b of the general statutes is repealed and the  
903       following is substituted in lieu thereof (*Effective October 1, 2007*):

904       (a) A person is guilty of manslaughter in the second degree with a  
905       motor vehicle when, while operating a motor vehicle under the  
906       influence of intoxicating liquor or any drug or both, he causes the  
907       death of another person as a consequence of the effect of such liquor or  
908       drug.

909       (b) Manslaughter in the second degree with a motor vehicle is a  
910       class [C] B felony and the court shall suspend the motor vehicle  
911       operator's license or nonresident operating privilege of any person  
912       found guilty under this section [for one year] permanently and shall  
913       order the forfeiture to the state of the motor vehicle being operated by  
914       such person at the time of the offense provided such person was in  
915       lawful possession of such motor vehicle at such time.

916       (c) The state shall sell any motor vehicle forfeited to the state  
917       pursuant to this section at public auction and deposit the proceeds  
918       from such sale in the Criminal Injuries Compensation Fund established  
919       pursuant to section 54-215.

920       Sec. 11. Section 53a-60d of the general statutes is repealed and the  
921       following is substituted in lieu thereof (*Effective October 1, 2007*):

922       (a) A person is guilty of assault in the second degree with a motor  
923       vehicle when, while operating a motor vehicle under the influence of  
924       intoxicating liquor or any drug or both, he causes serious physical  
925       injury to another person as a consequence of the effect of such liquor or  
926       drug.

927       (b) Assault in the second degree with a motor vehicle is a class [D] C  
928       felony and the court shall suspend the motor vehicle operator's license  
929       or nonresident operating privilege of any person found guilty under  
930       this section for one year and may order the forfeiture to the state of the  
931       motor vehicle being operated by such person at the time of the offense

932 provided such person was in lawful possession of such motor vehicle  
933 at such time.

934 (c) The state shall sell any motor vehicle forfeited to the state  
935 pursuant to this section at public auction and deposit the proceeds  
936 from such sale in the Criminal Injuries Compensation Fund established  
937 pursuant to section 54-215.

938 Sec. 12. Section 53a-213 of the general statutes is repealed and the  
939 following is substituted in lieu thereof (*Effective October 1, 2007*):

940 (a) A person is guilty of drinking while operating a motor vehicle  
941 when he drinks any alcoholic liquor while operating a motor vehicle,  
942 [upon a public highway of this state or upon any road of any specially  
943 chartered municipal association or of any district organized under the  
944 provisions of chapter 105, a purpose of which is the construction and  
945 maintenance of roads and sidewalks, or in any parking area for ten  
946 cars or more, or upon any private road on which a speed limit has  
947 been established in accordance with the provisions of section 14-218a  
948 or upon any school property.] Evidence of the presence of an open  
949 alcoholic liquor container in the interior of the motor vehicle shall  
950 constitute a rebuttable presumption that the person operating the  
951 motor vehicle was drinking alcoholic liquor while operating the motor  
952 vehicle. As used in this section, "alcoholic liquor" shall have the same  
953 meaning as in section 30-1.

954 (b) Drinking while operating a motor vehicle is a class [C] B  
955 misdemeanor.

956 Sec. 13. Section 14-141 of the general statutes is repealed and the  
957 following is substituted in lieu thereof (*Effective October 1, 2007*):

958 A record shall be kept by each court of original jurisdiction of any  
959 violation of the laws relating to the registration, equipment and  
960 operation of motor vehicles, the licensing of operators or the  
961 establishment, maintenance or conduct of a pump or station for the

962 sale of any product to be used in the propelling of motor vehicles using  
 963 combustion type engines, or to the sale of such product, and of any  
 964 violation of the provisions of sections 53a-55 to 53a-57, inclusive, when  
 965 such violation has been caused by the use of a motor vehicle, of any  
 966 violation of sections 53a-70 to 53a-80, inclusive, or of a violation of the  
 967 provisions of any other criminal statute in which the use of a motor  
 968 vehicle is a principal part, of all cases in which any person arrested for  
 969 such violation forfeits his bail or has his case nolle or judgment or  
 970 execution suspended, and of all cases in which the court ordered a  
 971 psychiatric examination under section 53-22; and a summary of such  
 972 record, with a statement of the number of the operator's license and the  
 973 registration number of the motor vehicle operated, shall, [within five  
 974 days] not later than forty-eight hours after such conviction, forfeiture  
 975 or any other disposition or nolle, be transmitted to the commissioner  
 976 by such court. Each court shall furnish to the commissioner the details  
 977 of all such cases heard before it and, [shall] in addition to any other  
 978 penalties imposed, may order the suspension or revocation of the  
 979 licenses of the defendants or make such recommendations as to the  
 980 suspension or revocation of the licenses of the [parties defendant]  
 981 defendants as it deems advisable.

982 Sec. 14. Section 14-111n of the general statutes is repealed and the  
 983 following is substituted in lieu thereof (*Effective October 1, 2007*):

984 (a) If the Commissioner of Motor Vehicles receives a report from  
 985 any member jurisdiction of the conviction in such jurisdiction of any  
 986 person licensed to operate a motor vehicle in this state, for acts or  
 987 conduct of the nature described in subsection (b) of this section, the  
 988 commissioner shall suspend the operator's license of such person for  
 989 the period of time required for a conviction of the equivalent offense  
 990 under the provisions of the general statutes, as listed in subsection (b)  
 991 of this section, for the same acts or conduct occurring in this state.

992 (b) For the purpose of the action required to be taken by the  
 993 commissioner in accordance with subsection (a) of this section, the

994 conviction in another member jurisdiction for an offense involving the  
995 following acts or conduct shall be treated as a conviction under the  
996 following subdivisions:

997 (1) Manslaughter or assault with a motor vehicle or negligent  
998 homicide with a motor vehicle shall be deemed a conviction of a  
999 violation of section 53a-56b, 53a-60d or 14-222a;

1000 (2) Operation of a motor vehicle while under the influence of  
1001 alcohol or drugs, or any combination thereof, shall be deemed a  
1002 conviction of a violation of subsection (a) of section 14-227a;

1003 (3) Leaving the scene of an accident or failure to stop and render aid  
1004 in the event of an accident or collision resulting in the death or  
1005 personal injury of another shall be deemed a conviction of a violation  
1006 of either subsection (a) or (b) of section 14-224, depending on the acts  
1007 or conduct reported and the circumstances as determined by the  
1008 commissioner; or

1009 (4) Unsafe, dangerous or reckless operation of a motor vehicle shall  
1010 be deemed a conviction of a violation of section 14-222.

1011 (c) If the commissioner is notified by a member jurisdiction that a  
1012 person who is the holder of a motor vehicle operator's license issued in  
1013 this state has been convicted of a felony, in the commission of which a  
1014 motor vehicle was used, the commissioner shall, if such person's acts  
1015 or conduct would constitute an offense classified as a felony under  
1016 section 53a-25, suspend such person's operator's license for such  
1017 period of time as may be determined by the commissioner.

1018 (d) If the commissioner is notified by a member jurisdiction that a  
1019 person who is the holder of a motor vehicle operator's license has been  
1020 convicted of driving under the influence of alcohol or drugs, in  
1021 accordance with subdivision (2) of subsection (b) of this section, the  
1022 commissioner may consider the conviction as a second or subsequent  
1023 violation of section 14-227a if such person has been convicted



1024 previously of a violation of section 14-227a or has been convicted  
1025 previously of a substantially similar offense in a member jurisdiction,  
1026 as shown by such person's driver control record, [within the past ten  
1027 years,] and the commissioner may impose the suspension for the  
1028 period of time required for a second or subsequent offense by the  
1029 provisions of subsection (h) of section 14-227a. It shall not be a defense  
1030 to a suspension imposed pursuant to this subsection, or subdivision (2)  
1031 of subsection (b) of this section, that the blood alcohol concentration of  
1032 the person convicted in a member jurisdiction, or the blood alcohol  
1033 concentration required for conviction of a per se offense in the member  
1034 jurisdiction in which the person was convicted, is less than the blood  
1035 alcohol concentration required for conviction of a per se offense in this  
1036 state.

1037 Sec. 15. Section 14-37a of the general statutes is repealed and the  
1038 following is substituted in lieu thereof (*Effective October 1, 2007*):

1039 (a) Any person whose operator's license has been suspended  
1040 pursuant to any provision of this chapter or chapter 248, except  
1041 pursuant to section 14-215 for operating under suspension, subdivision  
1042 (3) of subsection (f) of section 14-227a, subdivision (2) of subsection (e)  
1043 of section 14-227b, section 14-227k or [pursuant to] section 14-140 for  
1044 failure to appear for trial, may make application to the Commissioner  
1045 of Motor Vehicles for a special permit to operate a motor vehicle to and  
1046 from such person's place of employment or, if such person is not  
1047 employed at a fixed location, to operate a motor vehicle only in  
1048 connection with, and to the extent necessary, to properly perform such  
1049 person's business or profession.

1050 (b) The commissioner may, in the commissioner's discretion upon a  
1051 showing of significant hardship, grant each such application that is  
1052 submitted in proper form and contains such information and  
1053 attestation by the applicant as the commissioner may require. In  
1054 determining whether to grant such application, the commissioner may  
1055 also consider the driving record of the applicant and shall ascertain

1056 that the suspension is a final order that is not under appeal pursuant to  
1057 section 4-183. A special operator's permit shall not be issued pursuant  
1058 to this section to any person for the operation of a motor vehicle for  
1059 which a public passenger transportation permit or commercial driver's  
1060 license is required or to any person whose operator's license has been  
1061 suspended previously pursuant to section 14-227a or 14-227b. A  
1062 special operator's permit shall not be issued pursuant to this section to  
1063 any person whose operator's license has been suspended pursuant to  
1064 subparagraph (C) of subdivision (1) of subsection (i) of section 14-227b  
1065 for refusing to submit to a blood, breath or urine test or analysis until  
1066 such operator's license has been under suspension for a period of not  
1067 less than ninety days. A person shall not be ineligible to be issued a  
1068 special operator's permit under this section solely on the basis of being  
1069 convicted of two violations of section 14-227a unless such second  
1070 conviction is for a violation committed after a prior conviction.

1071 (c) A special operator's permit issued pursuant to this section shall  
1072 be of a distinctive format and shall include the expiration date and the  
1073 legend "work only".

1074 (d) Any person issued a special operator's permit pursuant to this  
1075 section who operates a motor vehicle during the period of the permit  
1076 for a purpose not authorized by the conditions of the permit shall,  
1077 upon receipt of written report of a police officer, in such form as the  
1078 commissioner may prescribe, of such unauthorized operation, be  
1079 subject to the immediate revocation of the permit by the commissioner  
1080 and a civil penalty of not more than five hundred dollars. Any person  
1081 who makes improper use of a special operator's permit issued  
1082 pursuant to this section or in any manner alters any such permit or  
1083 who loans or sells such permit for use by another person shall be  
1084 subject to the penalties provided by section 14-147.

1085 (e) If a person issued a special operator's permit pursuant to this  
1086 section has his operator's license suspended by the commissioner in  
1087 connection with any motor vehicle violation or other offense for which

1088 suspension action is authorized, the special operator's permit shall be  
1089 deemed revoked on the effective date of such suspension, and any  
1090 such person with notice of the suspension who operates a motor  
1091 vehicle shall be operating under suspension and shall be subject to  
1092 double the penalties provided by the applicable provisions of  
1093 subsection (b) of section 14-111 and section 14-215.

1094 (f) Any decision made by the commissioner under this section shall  
1095 not be subject to appeal pursuant to the provisions of chapter 54 or any  
1096 other provisions of the general statutes.

1097 (g) The commissioner may adopt regulations in accordance with the  
1098 provisions of chapter 54 to implement the provisions of this section.

1099 Sec. 16. Section 54-1q of the general statutes is repealed and the  
1100 following is substituted in lieu thereof (*Effective October 1, 2007*):

1101 The court shall not accept a plea of guilty or nolo contendere from a  
1102 person in a proceeding with respect to a violation of section 14-110,  
1103 subsection (b) or (c) of section 14-147, section 14-215, subsection (a) of  
1104 section 14-222, subsection (a) or (b) of section 14-224 or section 53a-  
1105 119b. [unless the court advises such person that conviction of the  
1106 offense for which such person has been charged may have the  
1107 consequence of the Commissioner of Motor Vehicles suspending such  
1108 person's motor vehicle operator's license.]

1109 Sec. 17. Subdivision (74) of subsection (a) of section 14-1 of the  
1110 general statutes is repealed and the following is substituted in lieu  
1111 thereof (*Effective October 1, 2007*):

1112 (74) "Second" violation or "subsequent" violation means an offense  
1113 committed not more than three years after the date of an arrest which  
1114 resulted in a previous conviction for a violation of the same statutory  
1115 provision, except in the case of a violation of section 14-215 or 14-224,  
1116 [or subsection (a) of section 14-227a,] "second" violation or  
1117 "subsequent" violation means an offense committed not more than ten

1118 years after the date of an arrest which resulted in a previous conviction  
 1119 for a violation of the same statutory provision and in the case of a  
 1120 violation of subsection (a) of section 14-227a, "second" violation or  
 1121 "subsequent" violation means an offense committed at anytime after  
 1122 the date of an arrest which resulted in a previous conviction for a  
 1123 violation of the same statutory provision.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	14-227a
Sec. 2	<i>October 1, 2007</i>	14-227b
Sec. 3	<i>October 1, 2007</i>	14-227f
Sec. 4	<i>October 1, 2007</i>	14-227g
Sec. 5	<i>October 1, 2007</i>	14-227h
Sec. 6	<i>October 1, 2007</i>	14-227j
Sec. 7	<i>October 1, 2007</i>	14-227k
Sec. 8	<i>October 1, 2007</i>	54-56g
Sec. 9	<i>October 1, 2007</i>	53a-40f
Sec. 10	<i>October 1, 2007</i>	53a-56b
Sec. 11	<i>October 1, 2007</i>	53a-60d
Sec. 12	<i>October 1, 2007</i>	53a-213
Sec. 13	<i>October 1, 2007</i>	14-141
Sec. 14	<i>October 1, 2007</i>	14-111n
Sec. 15	<i>October 1, 2007</i>	14-37a
Sec. 16	<i>October 1, 2007</i>	54-1q
Sec. 17	<i>October 1, 2007</i>	14-1(a)(74)

***Statement of Purpose:***

To adopt the recommendations of a working group convened by the former Lieutenant Governor concerning the criminal and administrative enforcement of Connecticut's drunk driving laws.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*